

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

TIMBER LAKE FOODS, INC., )  
    *Plaintiff*              )  
                            )  
vs.                          )      **Civil Action No. 1:17-cv-00209-GHD-DAS**  
                            )  
PALADIN FREIGHT SOLUTIONS,)  
INC.,                      )  
    *Defendant*              )  
                            )

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**MOTION TO DISMISS**

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The Defendant Paladin Freight Solutions, Inc. (“PFS”) moves to dismiss all claims against it under Fed. R. Civ. P. 12(b)(6). In support, PFS would show the following:

1. The Complaint alleged a host of state law claims against PFS for damage to goods shipped in interstate commerce. Every one of those state law claims is completely preempted by the Carmack Amendment to the Interstate Commerce Act. Those claims should be dismissed with prejudice. In addition, each and every claim or quantum of damage inconsistent with Carmack should be dismissed with prejudice, to include any consequential damages, exemplary or punitive damages, and attorneys’ fees.

2. In support of this Motion to Dismiss, the Defendant is filing concurrently its Memorandum of Authorities as required by the provisions of L.U. Civ. R. 7(b)(4).

Based on these facts, the Defendant Paladin Freight Solutions, Inc. respectfully requests that the Court enter an Order dismissing the Complaint, with prejudice and for any other relief to which it is entitled, at law or in equity.

Dated: December 19, 2017.

Respectfully submitted,

**PALADIN FREIGHT SOLUTIONS, INC.**

By: *s/H. Richard Davis, Jr.*

H. Richard Davis, Jr. (MSB# 103983)

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**CERTIFICATE OF SERVICE**

I, H. Richard Davis, Jr., one of the attorneys for the Defendant Paladin Freight Solutions, Inc., do hereby certify that I have, this day filed the foregoing with the Clerk of Court using the CM/ECF system, which has caused electronic service on all attorneys of record.

Dated: December 19, 2017.

*s/H. Richard Davis, Jr.* \_\_\_\_\_  
H. Richard Davis, Jr.